

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHIE COSTANICH,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES, et al.,

Defendants.

No. C05-0090MJP

ORDER GRANTING IN PART
MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff's motion for reconsideration. (Dkt. No. 135.) Plaintiff asks the Court to reconsider its February 19, 2008, order (as amended on March 28, 2008) dismissing without prejudice Plaintiff's state claims. (See Dkt. Nos. 130 & 144.) On March 28, the Court called for a response to Plaintiff's motion for reconsideration. (Dkt. No. 145.) Having considered the motion, response, (Dkt. No. 150), and Plaintiff's reply (Dkt. No. 154), the Court GRANTS the motion for reconsideration and amends its order to remand rather than dismiss without prejudice Plaintiff's state claims.

Under Local Civil Rule 7(h), the Court will deny motions for reconsideration unless there is a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the Court's attention earlier with reasonable diligence.

Plaintiff argues that the Court erred when, after dismissing all of Plaintiff's federal claims, the Court declined to exercise supplemental jurisdiction over the remaining state claims and dismissed them without prejudice. Where a case has been removed to federal court, the Court has discretion to

1 either remand or dismiss without prejudice those state claims over which it declines to exercise
2 supplemental jurisdiction. See Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 357 (1988).
3 Nevertheless, Plaintiff argues, and the Court agrees, that principles of economy, convenience, and
4 fairness weigh in favor of remand rather than dismissal. Plaintiff should not be required to re-file a
5 complaint and pay a filing fee in state court. The Court will amend its previous order (Dkt. No. 144)
6 to conclude that the state claims shall be remanded, rather than dismissed.

7 Plaintiff also asks the Court to stay the effect of this order while the parties pursue their
8 appeals to the Ninth Circuit. The Court will not enter a stay. If the state court wishes to stay the
9 state claims pending the outcome of the appeals, it may do so. Plaintiff also asks this Court to delay
10 ruling on Plaintiff's motion for reconsideration while Plaintiff's attorney is absent. The Court cannot
11 accommodate every attorney's personal schedule. This order will immediately issue.

12 The clerk is directed to send copies of this order to all counsel of record and to amend the
13 Court's February 19, 2008 Order as directed on page 2 of this order.

14 Dated: May 2, 2008.

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17 Marsha J. Pechman
18 United States District Judge
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